

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-00105-F-4

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
ALLISON LYNN TYNDALL,)	
Defendant.)	

This matter is before the court on Defendant's letter motion [DE-158] addressed to the undersigned. In her motion, Defendant is seeking relief from the restitution payments the Bureau of Prisons is asking her to pay each month through the Inmate Financial Responsibility Program.

In its Judgment, the court ordered Defendant to pay \$5,506.50 in restitution to the Drug Enforcement Administration to the attention of the Hazardous Waste Section. *See* Judgment [DE-130]. The court further ordered as follows:

All monies are due in full immediately. If not paid in full, these monies may be paid through the Inmate Financial Responsibility Program. The court orders that any balance still owed at the time of release shall be paid in installments of \$50 per month to begin 60 days after the defendant's release from prison. At the time of the defendant's release, the probation officer shall take into consideration the defendant's ability to pay the restitution ordered and shall notify the court of any needed modification of the payment schedule.

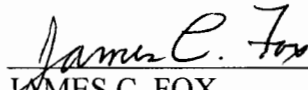
Id.

Because Defendant's motion challenges the implementation of the restitution portion of her sentence, the undersigned construes the motion as a petition for habeas corpus relief under 28 U.S.C. § 2241. *See United States v. Gripper*, 224 Fed. Appx. 219, 220 (4th Cir. 2007). A § 2241 petition must be brought in the district in which the petitioner is incarcerated. *See In re Jones*, 226 F.3d 328, 332 (4th Cir. 2000). Defendant is confined in Alderson, West Virginia.

In light of the foregoing, Defendant's letter motion [DE-158] is DENIED without prejudice to her to re-file in the district where she is confined.

SO ORDERED.

This, the 21st day of November, 2013.



JAMES C. FOX
Senior United States District Judge